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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,788	10/26/2000	James R. Suter	06558/005001	5592

22511 7590 08/26/2003

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EXAMINER

GUTIERREZ, ANTHONY

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697,788

Applicant(s)

SUTER ET AL.

Examiner

Anthony Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-53 are rejected under 35 U.S.C. 102(a) as being anticipated by Stephenson (US Patent 6,002,985).

As to claims 1, 24, 28, 36, 37, 40, and 45, Stephenson discloses a method for automated management of hydrocarbon gathering, the method comprising: calculating a system balance of volume and energy for a selected balance envelope from at least one of a plurality of producing wells (col. 5, lines 40-60); collecting hydrocarbon sample test data from at least one of a plurality of automated measurement and control devices positioned in a hydrocarbon gathering system (col. 1, line 64-col. 2, line 25); comparing the collected data with data stored in a database (col. 6, lines 16-34); and using the hydrocarbon sample test data to automatically schedule a test and to recalculate the system balance (col. 10, lines 1-13).

As to claim 2, Stephenson further discloses wherein the data stored in the database is automatically updated with the collected data (col. 6, lines 16-34).

As to claim 3, Stephenson further discloses wherein the stored data comprises contractual provisions contained in contracts between a hydrocarbon gathering company and another entity (col. 5, lines 56-60).

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As to claim 4, Stephenson further discloses wherein the contractual provisions comprise a testing frequency for the automated measurement and control devices (col. 6, lines 8-15 and Fig 2.).

As to claim 5, Stephenson further discloses wherein the management data comprises test scheduling data defined by a hydrocarbon gathering company (col. 6, lines 8-15 and Fig 2.).

As to claims 6, 31, 41, and 46, Stephenson further discloses wherein the plurality of measurement and control devices comprises electronic flow meters (col. 5, line 53).

As to claims 7, 32, 42, and 47, Stephenson further discloses wherein the plurality of automated measurement and control devices comprises programmable logic controllers (col. 5, line 53).

As to claims 8, 33, 43, and 48, Stephenson further discloses wherein the plurality of automated measurement and control devices comprises remote terminal units (col. 5, line 54-56).

As to claims 9, 34, 44, and 49, Stephenson further discloses wherein the plurality of automated measurement and control devices comprises automated gas composition analysis devices (col. 5, line 53).

As to claims 10, 15, and 27, Stephenson further discloses wherein using the data comparison further comprises: notifying a field technician of a required test for at least one of the plurality of automated measurement and control devices; and automatically notifying a witness of the test after the field technician has selected a test date (col. 6, lines 8-15 and col. 8, line 64-col. 9, line 11).

As to claims 11 and 39, Stephenson further discloses wherein using the data comparison further comprises: analyzing the collected data to determine a volume of a flow of hydrocarbons through at least one of the plurality of automated measurement and control devices; comparing the volume of the hydrocarbon flow to contractual provisions stored in the database; and automatically scheduling meter tests according to the stored contractual provisions (col. 5, lines 39-60 and col. 10, lines 1-12).

As to claims 12, 35, and 50, Stephenson further discloses automatically updating the database after testing of at least one of the plurality of automated measurement and control devices (col. 10, lines 1-12).

As to claim 13, Stephenson further discloses wherein selected field personnel are automatically notified of the automatically scheduled tests (col. 8, line 63-col.9, line 11).

As to claims 14 and 16, Stephenson further discloses wherein the automatic notification is transmitted electronically (col. 8, lines 63-65).

As to claim 17, Stephenson further discloses further comprising: testing at least one of the plurality of automated measurement and control devices; automatically comparing test data with master testing data stored in the database; and generating an alarm if a variance between the new testing data and the master testing data exceeds a selected threshold (col. 3, lines 25-38).

As to claim 18, 19, and 20 Stephenson further discloses further comprising: automatically measuring electrical current flow in at least one cathodic protection system positioned in the hydrocarbon gathering system; and generating an alarm if the

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automatically measured electrical current flow exceeds a selected threshold (col. 3, lines 25-38 and col. 5, lines 52-60).

As to claims 21-23, 28, and 51, Stephenson further discloses wherein the selected event comprises detection of a system imbalance beyond a selected threshold (col. 9, lines 14-26).

As to claim 25, 26, and 30 Stephenson further discloses wherein the well test data is used to automatically reallocate production costs to at least one of the plurality of producing wells (col. 9, lines 52-67).

As to claim 29, Stephenson further discloses using the recalculated system balance to mix hydrocarbon products from at least two gathering pipelines to produce a desired hydrocarbon flow composition (col. 9, lines 26-31).

As to claim 52 and 53, Stephenson further discloses further comprising: using the collected data and data stored in the database to automatically generate a report for a selected unit of a hydrocarbon gathering system (col. 9, lines 53-63).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,549,879 to Cullick et al. teaches a method that minimizes the costs of extracting petroleum from underground wells by determining optimal well placement from a three dimensional model.

US Patent 6,266,619 to Thomas et al. teaches real time field wide reservoir management that involves flow control and risked economics programs.

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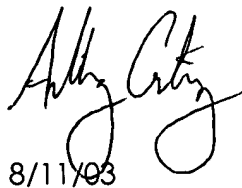
US Patent 6,101,447 to Poe, Jr. teaches a method that incorporates a complete production systems analysis system for the evaluation of petroleum reservoir production performance, including a stimulation treatment economics evaluation model.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Gutierrez whose telephone number is (703) 305-1973. The examiner can normally be reached on Monday to Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (703) 308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0976.

Anthony Gutierrez



8/11/03



MARC S. HOFF
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